CR 63-430-KI



SHERRI R. CARTER District Court Executive and Clerk of Court

April 9, 2008

United States District Court 740 Mark O. Hatfield United States Courthouse 1000 Southwest Third Avenue Portland, OR 97204-2802

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION

312 North Spring Street, Room G-8 Los Angeles, CA 90012 Tel: (213) 894-3535

FILEDYON APR 14 13:19USDCORP

SOUTHERN DIVISION 411 West Fourth Street, Suite 1053 Santa Ana, CA 92701-4516 (714) 338-4750

EASTERN DIVISION 3470 Twelfth Street, Room 134 Riverside, CA 92501 (951) 328-4450

Re:	Transfer to U.S. Magistrate Judge							
RC.	Case No. Your case no. CR03-430-01/ Our case no. 08-MJ-781							
	Case Title: USA v. Jeffrey John Church							
Dear S	r/Madam:							
32	Pursuant to Rule 40 of the Federal Rules of Criminal Procedure, enclosed are the following: Certified copy of entire case file. Certified copy of docket sheet Letter re status of property bond Original bond enclosed Original bond to be forwarded by the Fiscal Section Certified copy of final commitment Original Passport Original Declaration re: Passport Other NFPV- document # 8- Financial Affidavit -Not for public view Please acknowledge receipt on the copy of this letter and return to this office.							
	Sincerely,							
	Clerk, U.S. District Court							
	By M. WARREN Deputy Clerk 213-894-8288 Attorney (Central District of California) Attorney (Receiving district)							
	of the above-described documents is acknowledged herewith and assigned case number:							
	Clerk, U.S. District Court							
<u>///</u> Date	14/08 By Sathi William Deputy Clerk							
CR-48 (0	LETTER RE: RULE 40 - TRANSFER OUT							

	FILED
FILED OB APR 14 13:19USDO-ORP	2008 HAR 28 AM 11: 58 CENTRAL DISTRICT COURT LOS ANGELES
UNITED STATES I CENTRAL DISTRIC	T OF CALIFORNIA
US PLAINTIFF(S)	CASE NUMBER CO 08 0781 N
JEFFREY CHURCH DEFENDANT(S).	AFFIDAVIT RE OUT-OF-DISTRICT WARRANT
at 8400 Ma.m. / Dp.m. The offense was allege in violation of Title 18 U.S to wit: 50PERUISED RELEASE UIOC	S.C., Section(s) 7606
A warrant for defendant's arrest was issued by: GARD Bond of \$ PO BOND was □ set / □ recomply recomply recomply was □ set / □ recomply r	
Bond of \$ NO BOND was □ set / □ reco	ommended.

Gase 2:08-mj-007	81-DUTY Docum	ent 2 Filed 0	3/28/2008	FILED	
	_ FILED*08 APR 1413:	19usdoorp -	CENTR	AR 28 AMII: 50	
	UNITED STATES CENTRAL DISTRIC				
UNITED STATES OF AMERIC V. JEFFREY CHU	PLAINTIFF	CASE NUMBER CD - O	OB - O COMMENCE ACTION	781M	
 Date and time of arrest	ant has been booked at SUPERUS	ED RELEA	SE VIOL	MDC):	_
4. U.S. Citizen: Yes □ N Year of Birth: 1970	o □ Unknown				
☐ At liber ☐ Federal	y in custody on this che by on bond posted before y and warrant is reque - In custody on anothe n custody awaiting tris	ore a Magistrate Juested. Fr conviction.			
7. Place of detention (if out-of-c	listrict): NA				
8. Date detainer placed on defer	, ,,,,,,,		- (1.		
9. This is a reprosecution of pre		_	e No		
10. Name of Pretrial Services Off	ficer: TRETRI	AL DUTY			
12. Date: 3/24/05 14. Name: 1. DAN O	;	13, Signature	DISM		

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(Rev 5/92)

Case 2:08-mj-00781-DUTY

P.02

UNITED STATES DISTRICT ECUED

for

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		Distric	t of Or cella M	AR 28	MH: 58	88	_078
J.S.A. vs	jeffrey John C	HURCH	CENTI	LOS ANGI	OF CALIF	ocket No.	K 63-490-01 K
O:1	Any U.S. Marshal or	any other authorized of	ficer BY				
	WARRANT F	OR ARREST OF PRO	BATIONER/	SUPERVI	SED RELE	ASBE	
before	re hereby commanded to the United States District ed by the court.	arrest the within-named pr t Court to answer charges	obationer/supervi	sed releases lated the co	s and bring binditions of his	n or her, for or her supe	thwith, rvision
IAME OF PRO	BATIONER/SUPERVISED	RELEASEB	SEX M	RACI	W	GE 37	···
Last known)	REET, CITY, STATE) Avenue, #207 97205						
	IMPOSED BY (NAME Court, Portland, Ore			Titel k			DATE IMPOSEI
	HT BEFORE (NAME OF C Court, Portland, Oreg				200		
SHERYLS.	McCONNELL	M Ke (BY DEPUT	Y CLERG		710 ZJ	4 67	
		1	RETURN				
Varrant received	i and executed.	Dato Receivo	d		Date Execu	ated	
EXECUTING A	GENCY (NAME AND AD	DRESS)					
NAME		(BY)			DATE		
					Tries bi		
	Distad_ By (*)	d to line a true and correct of 10/24/07 Sheryi S. HicCommil, Lenner Dagusty	Clark 44 90				
authorized o	esignation of officer to	ates Marshal for	E	district of		:":	or "any United
any Special	hal;" or "any Special. Agent of the Federal	agent of the Federal I Bureau of Investigation	on;" or "any ag	stigation;" ont of the	or "any Ur Alcohol Ta	uted State x Unit."	s Marshal or

Page 1 of 1 Filed 03/28/2008 Case 2:08-mj-00781-DUTY Document 4 UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA 08 APR 14 13:19USIC:0RP UNITED STATES OF AMERICA. Western Division Plaintiff. Out of District Affidavit Initial App. Time: 2:00 PM Case Number: 2:08-MJ-00781 VS. Initial App. Date: 03/28/2008 Jeffrey Church Date Filed: 03/28/2008 Defendant. Violation: 18:3606 CourtSmart: PROCEEDINGS HELD BEFORE UNITED STATES CALENDAR/PROCEEDINGS SHEET MAGISTRATE JUDGE: Alicia G. Rosenberg LOCAL/OUT-OF-DISTRICT CASE PRESENT: Marine Pogosyan None RIRM Deputy Clerk Interpreter/Language Assistant U.S. Attorney Defendant informed of charge and right to: remain silent; appointment of counsel, if indigent; right to bail; bail review and preliminary hearing OR removal hearing / Rule 204 Defendant states true name is as charged is Defendant advised of consequences of false statement in financial affidavit. Financial Affidavit ordered SEALED. Attorney: Michael Schafler, DFPD Mappointed Prev. Appointed Poss. Contribution (see separate order) Special appearance by: Government's request for detention is: GRANTED DENIED WITHDRAWN CONTINUED Defendant is ordered: Permanently Detained Temporarily Detained (see separate order). (SEE ATTACHED COPY OF CR-1 BOND FORM FOR CONDITIONS) BAIL FIXED AT \$_ Government moves to UNSEAL Complaint/Indictment/Information/Entire Case: GRANTED DENIED Preliminary Hearing waived. Class B Misdemeanor Defendant is advised of maximum penalties Counsel are directed to contact the clerk for the setting of all This case is assigned to Magistrate Judge further proceedings. PO/PSA WARRANT Counsel are directed to contact the clerk for District Judge for the setting of further proceedings. Preliminary Hearing set for at 4:30 PM PIA set for: at 8:30 AM in LA; at 3:00 PM in Riverside; at 10:00 AM in Santa Ana Government's motion to dismiss case/defendant only: GRANTED DENIED Defendant's motion to dismiss for lack of probable cause: GRANTED DENIED Defendant executed Waiver of Rights. Process received. Court ORDERS defendant Held to Answer to Bond to transfer, if bail is posted. Defendant to report on or before Warrant of removal and final commitment to issue. Warrant of removal and final commitment are ordered stayed until AM / PM Case continued to (Date) Type of Hearing: /Duty Magistrate Judge. Judge's Courtroom Proceedings will be held in the ___ Duty Courtroom Defendant committed to the custody of the U.S. Marshal Summons: Defendant ordered to report to USM for processing. Abstract of Court Proceeding (CR-53) issued. Copy forwarded to USM. Abstract of Order to Return Defendant to Court on Next Court Day (M-20) issued. Original forwarded to USM. RELEASE ORDER NO: Other: L PSA READY

Deputy Clerk Initials

FINANCIAL

1 2	THOMAS P. O'BRIEN United States Attorney CHRISTINE C. EWELL Assistant United States Attorney MAR 2 8 2008
3 4	BRIAN E. KLEIN (Cal. SBN: Pending) Assistant United States Attorney CENTRAL DISTRICT OF CALIFORNIA DEPUTY
5	General Crimes Section 1100 United States Courthouse
6	312 North Spring Street Los Angeles, California 90012
7	Telephone: (213) 894-6920 Facsimile: (213) 894-6269 E-mail: brian.klein@usdoj.gov
8	
9	Attorneys for Plaintiff United States of America
10	
11	UNITED STATES DISTRICT COURT
12	FOR THE CENTRAL DISTRICT OF CALIFORNIA
13	UNITED STATES OF AMERICA,) Case No. MO 08-78/M
	Plaintiff,)
14) GOVERNMENT'S NOTICE OF REQUEST) FOR DETENTION
15	$-(1)$ T_1 $Chorch$
16	Jeffry J.h. (huch
17	Defendant.)
18	<u> </u>
19	
20	Plaintiff, United States of America, by and through its
21	counsel of record, hereby requests detention of defendant and gives
22	notice of the following material factors:
23	1. Temporary 10-day Detention Requested (§ 3142(d))
24	on the following grounds:
25	a. present offense committed while defendant was on
26	release pending (felony trial), (sentencing),
27	(appeal), or on (probation) (parole); or
28	

		· ·
		b. defendant is an alien not lawfully admitted for
		permanent residence; and
		c. defendant may flee; or
		d. pose a danger to another or the community.
	2.	Pretrial Detention Requested (§ 3142(e)) because no
	•	condition or combination of conditions will
		reasonably assure:
		a. the appearance of the defendant as required;
		b. safety of any other person and the community.
	3.	Detention Requested Pending Supervised
		Release/Probation Revocation Hearing (Rules
		32.1(a)(6), 46(d), and 18 U.S.C. § 3143(a)):
	*	a. defendant cannot establish by clear and
		convincing evidence that he/she will not pose a
		danger to any other person or to the community;
	<u> </u>	b. defendant cannot establish by clear and
		convincing evidence that he/she will not flee.
	4.	Presumptions Applicable to Pretrial Detention (18
		<u>U.S.C. § 3142(e))</u> :
		a. Title 21 or Maritime Drug Law Enforcement Act
<u> </u>		("MDLEA") (46 U.S.C. App. 1901 et seq.) offense
		with 10-year or greater maximum penalty
		(presumption of danger to community and flight
		risk);
		b. offense under 18 U.S.C. §§ 924(c), 956(a), 2332b,
		or 2332b(g)(5)(B) with 10-year or greater maximum
		penalty (presumption of danger to community and

1				flight risk);
2			c.	offense involving a minor victim under 18 U.S.C.
3				§§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245,
4				2251, 2251A, 2252(a)(1)-(a)(3), 2252A(a)(1)-
5				2252A(a)(4), 2260, 2421, 2422, 2423 or 2425
6				(presumption of danger to community and flight
7				risk);
8			đ.	defendant currently charged with an offense
9				described in paragraph 5a - 5e below, AND
10				defendant was previously convicted of an offense
11				described in paragraph 5a - 5e below (whether
12				Federal or State/local), AND that previous
13				offense was committed while defendant was on
14				release pending trial, AND the current offense
15				was committed within five years of conviction or
16				release from prison on the above-described
17				previous conviction (presumption of danger to
18				community).
19	工	5.	Gov	vernment Is Entitled to Detention Hearing
20			Unc	der § 3142(f) If the Case Involves:
21	,		a.	a crime of violence (as defined in 18 U.S.C.
22				§ 3156(a)(4)) or Federal crime of terrorism (as
23				defined in 18 U.S.C. § 2332b(g)(5)(B)) for which
24				maximum sentence is 10 years' imprisonment or
25				more;
. 26			b.	an offense for which maximum sentence is life
27				imprisonment or death;
28				

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1			c.	Title 21 or MDLEA offense for which maximum
2				sentence is 10 years' imprisonment or more;
3		·	d.	any felony if defendant has two or more
4				convictions for a crime set forth in a-c above or
5				for an offense under state or local law that
6	¥			would qualify under a, b, or c if federal
7	L			jurisdiction were present, or a combination or
8				such offenses;
9			e.	any felony not otherwise a crime of violence that
10				involves a minor victim or the possession or use
11				of a firearm or destructive device (as defined in
12				18 U.S.C. § 921), or any other dangerous weapon,
13				or involves a failure to register under 18 U.S.C.
14				§ 2250;
.15		X _	f.	serious risk defendant will flee;
16			g.	serious risk defendant will (obstruct or attempt
17		×		to obstruct justice) or (threaten, injure, or
18				intimidate prospective witness or juror, or
19				attempt to do so).
20		6.	Gov	vernment requests continuance of days for
21			đet	cention hearing under § 3142(f) and based upon the
22			fol	llowing reason(s):
23				
24				
25				
26	//			
27	//			
28				

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1	
2	7. Good cause for continuance in excess of three days
3	exists in that:
4	
5	
6	
7	
8	DATED: 3/22/08 Respectfully submitted,
9	THOMAS P. O'BRIEN
10	United States Attorney
11	CHRISTINE C. EWELL Assistant United States Attorney
12	Chief, Criminal Division
13	3- E.K.
· 14	BRIAN E. KLEIN Assistant United States Attorney
15	Attorneys for Plaintiff
16	United States of America
17	
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2	
3	CLERK, U.S. DISTRICT COURT
4	MAR 2 8 2008
5	
6	CENTRAL DISTRICT OF CALL DRIVIA
7	FILEPYOS APR 14 13:200300-083
8	UNITED STATES DISTRICT COURT
9	CENTRAL DISTRICT OF CALIFORNIA
10	WESTERN DIVISION
11	
12	UNITED STATES OF AMERICA,) Case No. MJ 08 ~ 00787
13	Plaintiff,
14) ORDER OF DETENTION AFTER HEARING v.) (Fed.R.Crim.P. 32.1(a) (6)
15	JEFFREY LOHN CHURCH) 18 U.S.C. § 3143 (a) Allegations of Violations of
16) Probation/Supervised Release Defendant.) Conditions)
17)
18	On arrest warrant issued by the United States District Court for the
19	District of Oregon involving alleged violations of conditions of
20	probation/supervised release:
21	The court finds that no condition or combination of conditions will reasonably
22	assure:
23	A. () the appearance of defendant as required; and/or
24	B. (v) the safety of any person or the community.
25	2. The Court concludes:
26	A. (Defendant has failed to demonstrate by clear and convincing evidence
27	that he is not likely to pose a risk to the safety of any other persons or the
28	

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1		community. Defendant poses a risk to the safety of other persons or the						
2	community based on:							
3		nature of the offense						
4		7 00						
. 5								
6								
7								
8	В.	(V) Defendant has failed to demonstrate by clear and convincing evidence						
9		that he is not likely to flee if released. Defendant poses a flight risk based						
10		on:						
11		nature of the offense						
12		0 00						
13								
14								
15								
16								
17	IT IS ORDE	RED that defendant be detained.						
18								
19		1 1						
20	DATED: March	28, 2008 Micia J. Posenberg HONORABLE ALICIA G. ROSENBERG UNITED STATES MAGISTRATE JUDGE						
21	l	HONORABLE ALICIA G. ROSENBERG UNITED STATES MAGISTRATE JUDGE						
22								
23								
24								
25								
26								
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28								
		l l						

		Cas	se 2:08-mj-0078	1-DUTY	Document 7	Filed 03/28/2		U.S. DISTRICT COURT
e e					STATES DISTR DISTRICT OF			MAR 2 8 2003
-	UNI	TED ST	ATES OF AMERI v.	CA,	PLAINTIFF CASE	NUMBER:	781 M	DEPU
)EF	they (CHUND	CH EFENDANT.		ER OF RIGHTS DISTRICT CAS	
		ng viola		ection / Probation	Supervised Release)	District of and that I have be		
		(1) (2)	t United States May have an identity have a copy of	earing to del	termine whether I			
p de	-Chec	EXCI (3)	LUDING PROBA have a preliminar to determine whe	y examination ther there is held in this o	on (unless an indic probable cause to listrict or the distr	tment has been not believe an offens ict of prosecution	eturned or an info te has been comm t; and	nitted by me,
	X	PROI	held in custody se	y hearing (if	RELEASE CASE the violation char charge) under Ru eve I have violate	ged allegedly occle 32.1(b), Fed.R.	.Crim.P., to deter	rmine whether
		区区	have an identity I receive a copy of	nearing the charges(s) against me) :		
		<u> </u>	examination	nearing, and	on I have been inform I request that a pre			
	Date:	Mar	ch 28,200		Defense O	au-	enbera	•
	Date:	Mar	ch 28,200	8	Defense C	au-	enberg adge	

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

FILED ON APR 14 13/20 JSDC-ORP

THIS DOCUMENT

CONTAINS

NON-PUBLIC INFORMATION

PURSUANT TO

THE E-GOVERNMENT ACT OF 2002

IS RESTRICTED FROM

PUBLIC VIEWING

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Case 2:08-mj-0078 Name & Address	1-DUTY Docume	nt 9 Filed 03/28/2008 FILED COURT COURT FACT COURT FACT OF CALIFORNIA DEPUTY
		DISTRICT COURT FILED '08 APR 14 13:20 USDC OR
United States of America		CASE NUMBER
	PLAINTIFF(S)	MJ 08-00781
v.		FINAL COMMITMENT AND WARRANT OF REMOVAL District of Oregon
JEFFREY CHURCH,		District ofOregonAt Portland
	DEFENDANT(S).	(Cip)
forthwith, along with a certified co of Origin, approved by the Attorne until discharged in due course of la This defendant was arrested in this filing of a complaint before a L an indictment by a Grand Jury a bench warrant issued by a U.S.	py of this Commitment, to General of the United States. District after: J.S. Magistrate Judge District Judge/Magistrate the District of Origin, to	stody and you are hereby ORDERED to remove him/her to the custodian of a place of confinement within the Districtates, where the defendant shall be received and safely ke ate Judge/Clerk from the District of Origin charging that the defendant in violation of Title 18, U.S.C., Section
The defendant has now: duly waived identity hearing be duly waived preliminary exami had a hearing before me on	been committed and that but	, and it appears that there is probable cause to believe the defendant has committed it, and it appears that the defendant is the person named that has not been posted.
248446896=###################################	United States	tes Magistrate Judge
Received this commitment and des committed him to time a certified copy of the within to	ignated prisoner on	, and on
Date	Deputy	
M-15 (08/99)	ENGLIS - 0.03 43 43 43 43 43 43 43 43 43 43 43 43 43	T AND WARRANT OF REMOVAL

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)

CRIMINAL DOCKET FOR CASE #: 2:08-mj-00781-DUTY All Defendants Internal Use Only

Case title: USA v. Church

Date Filed: 03/28/2008 Date Terminated: 03/28/2008

Assigned to: Duty Magistrate Judge

FILED OF APR 14 13 21 USD ORP

Defendant

Jeffrey John Church (1) TERMINATED: 03/28/2008 represented by Michael V Schafler

Federal Public Defender 321 East Second Street Los Angeles, CA 90012-4202

213-894-2854

Email: michael_schafler@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or Community Defender

Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Defendant in violation of 18:3606

Disposition

Defendant ORDERED Held to Answer to the USDC,

District of Oregon at Portland.

Plaintiff

USA

represented by US Attorney's Office

AUSA - Office of US Attorney 312 N Spring St, 12th Floor Los Angeles, CA 90012-4700

213-894-2434

Email: USACAC.Criminal@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/27/2008	•	(Court only) ***Defendant Jeffrey John Church ARRESTED (Rule 5(c)(3)) (mw) (Entered: 04/08/2008)
03/28/2008	9 1	AFFIDAVIT RE: OUT-OF-DISTRICT WARRANT (Rule 5(c)(3)) filed as to defendant Jeffrey John Church, originating in the District of Oregon. Defendant charged in violation of: 18:3606. Signed by agent J. Davis, USMS, DUSM. (mw) (Entered: 04/08/2008)

03/28/2008	177.90	O3-cr-00430-KI Document 59 Filed 04/14/08 Page 17 of 17 REPORT COMMENCING CRIMINAL ACTION as to Defendant Jeffrey John Church; defendants Year of Birth: 1970; date of arrest: 3/27/2008 (mw) (Entered: 04/08/2008)		
03/28/2008	9 3	Defendant Jeffrey John Church arrested on warrant issued by the USDC District of Oregon at Portland. (mw) (Entered: 04/08/2008)		
03/28/2008	2 4	MINUTES OF ARREST ON OUT OF DISTRICT WARRANT held before Magistrate Judge Alicia G. Rosenberg as to Defendant Jeffrey John Church Defendant arraigned and states true name is as charged. Attorney: Michael V Schafler for Jeffrey John Church, DFPD, present. Court orders defendant permanently detained. Defendant remanded to the custody or currently in the custody of the US Marshal. Court orders defendant held to answer to District of Oregon. Warrant of Removal and final commitment to issue. Court Smart: CS 3/28/08. (mw) (Entered: 04/08/2008)		
03/28/2008	⊕ <u>5</u>	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Jeffrey John Church (mw) (Entered: 04/08/2008)		
03/28/2008	9 6	ORDER OF DETENTION by Magistrate Judge Alicia G. Rosenberg as to Defendant Jeffrey John Church, (mw) (Entered: 04/08/2008)		
03/28/2008	3 7	WAIVER OF RIGHTS approved by Magistrate Judge Alicia G. Rosenberg as to Defendant Jeffrey John Church. (mw) (Entered: 04/08/2008)		
03/28/2008	3 8	FINANCIAL AFFIDAVIT filed as to Defendant Jeffrey John Church. (mw) (Entered: 04/08/2008)		
03/28/2008	⊘ 9	WARRANT OF REMOVAL AND COMMITMENT by Magistrate Judge Alicia G. Rosenberg that Defendant Jeffrey John Church be removed to the District of Oregon (Attachments: # 1 Letter RE: Rule 5 (c)(3)- Transfer Out) (mw) (Entered: 04/08/2008)		



